

# EXHIBIT 60

Hunters Capital, LLC v. City of Seattle

Seth W. Stoughton

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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|                               |   |                     |
|-------------------------------|---|---------------------|
| HUNTERS CAPITAL, LLC, et al., | ) |                     |
|                               | ) |                     |
| Plaintiff,                    | ) |                     |
|                               | ) |                     |
| vs.                           | ) | No. 20-cv-00983-TSZ |
|                               | ) |                     |
| CITY OF SEATTLE,              | ) |                     |
|                               | ) |                     |
| Defendant.                    | ) |                     |

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VIDEOTAPED VIDEOCONFERENCE DEPOSITION  
UPON ORAL EXAMINATION OF  
SETH W. STOUGHTON

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Columbia, South Carolina

(All participants appeared via videoconference.)

DATE TAKEN: AUGUST 30, 2022

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

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1 unreasonable is, at what point do the costs outweigh the  
2 benefits now.

3 Q. Putting aside what I think you said were just  
4 clearly immoral, unreasonable decisions, I assume, like,  
5 you know, opening fire on the entire crowd or  
6 something --

7 A. Yeah, exactly. Getting in the windows and  
8 shooting everybody in the crowd.

9 Q. Sure.

10 A. Well, that's not a realistic option. Right?  
11 That's not a --

12 Q. Putting --

13 A. -- reasonable option.

14 Q. Putting aside those obviously unreasonable  
15 options, can you think of anything -- given the  
16 principles you're applying, can you think of any  
17 response by the police on July 8th that would have been  
18 unreasonable?

19 A. Oh, sure, yeah. Things that would have been  
20 unreasonable. You don't have barricades anymore, so  
21 you're going to send a line of officers who are  
22 exhausted after a week, may lack appropriate equipment,  
23 out to stand shoulder to shoulder with no barricades at  
24 all in front of this aggressive crowd who is foreseeably  
25 going to become confrontational and violent.

1 Well, that's -- that's a bad idea. The -- the  
2 benefits of doing so are, you know, at -- at best  
3 minuscule, and the costs of doing so, the risks of doing  
4 so are quite significant. So that would have been a --  
5 an unreasonable decision, sure.

6 Q. Any other scenarios that you can think of that  
7 would have been unreasonable?

8 A. Oh, I'm sure there are. I mean, you know,  
9 the -- the -- I -- I'm sure I can come up with a number  
10 of hypotheticals that I say, well, that would be over  
11 the line. They shouldn't have done that.

12 You know, same idea, but now, okay, we're going  
13 to try and push this crowd of however many thousands of  
14 protesters back with the limited number of officers we  
15 have.

16 Well, that's not going to work, and highly  
17 likely to escalate and exacerbate the situation. Or,  
18 you know, we're -- we're going to -- I don't know.  
19 We're going to pull back and turn things over to the --  
20 the National Guard, who has no experience dealing with  
21 this type of situation. Right?

22 Well, that's probably not the best decision  
23 either. Right? You -- you can't just abandon your  
24 operational engagement, even if you're tactically  
25 withdrawing.

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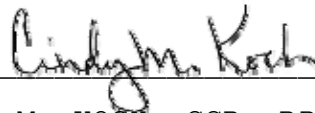
C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in  
and for the State of Washington, do hereby certify that  
the foregoing transcript of the deposition of Seth W.  
Stoughton, having been duly sworn, on August 30, 2022,  
is true and accurate to the best of my knowledge, skill  
and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this 1st day of September, 2022.



CINDY M. KOCH, CCR, RPR, CRR #2357



My commission expires:

JUNE 9, 2026

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## ERRATA

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 8/30/2022

**WITNESS:** Seth W. Stoughton

### CORRECTIONS

| Page          | Line         | Now Reads                     | Should Read                                 |
|---------------|--------------|-------------------------------|---|
| <u>56</u>     | <u>24</u>    | <u>TOD [sic]</u>              | <u>DOT</u>                                  |
| <u>98</u>     | <u>23-24</u> | <u>to serve and protect</u>   | <u>"To Serve and Protect"</u>               |
| <u>104</u>    | <u>14</u>    | <u>the City's streets say</u> | <u>City Streets says</u>                    |
| <u>147</u>    | <u>1</u>     | <u>force, that don't</u>      | <u>force. That doesn't</u>                  |
| <u>147</u>    | <u>1</u>     | <u>sometimes use force</u>    | <u>officers sometimes have to use force</u> |
| <u>161</u>    | <u>10</u>    | <u>about thousand-plus</u>    | <u>about a thousand-plus</u>                |
| <u>180</u>    | <u>23</u>    | <u>I'm often in</u>           | <u>as often in</u>                          |
| <u>passim</u> |              | <u>. Right?</u>               | <u>, right?</u>                             |

  
\_\_\_\_\_  
Signature of Deponent



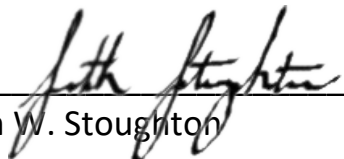
## DECLARATION

**CASE NAME:** Hunters Capital, LLC v. City of Seattle

**DATE TAKEN:** 8/30/2022

**WITNESS:** Seth W. Stoughton

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the ERRATA flyleaf page hereof.

  
\_\_\_\_\_  
Seth W. Stoughton

Signed on the 11 day of September, 2022.